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10541 U.S. PTO

**CONTINUING PATENT APPLICATION
TRANSMITTAL** (for Continuing
Applications under 37 C.F.R. §1.53(b))

Attorney Docket No. 72928

First Named Inventor or Application
Identifier:

Fitzgibbon, et al.

1050 U.S. PTO
10/083905
02/27/02

Box PATENT APPLICATION
Commissioner of Patents and Trademarks
ATTENTION: Assistant Commissioner for Patents
Washington, D.C. 20231

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EDWARD PRICE

(Typed or printed name of person mailing)

Edward Price

(Signature of person mailing)

Sir:

This is a request under 37 C.F.R. §1.53(b) for
filing a:

- ☐ Continuation application,
- ☒ Divisional application,
- ☐ Continuation-in-Part application,

of pending prior application number 09/571,435, filed on May 15, 2000 by
inventor(s) Fitzgibbon, et al. for Movable Barrier Operator Having Force and Position
Learning Capability.

1. ☐ This is a continuation or divisional application. Enclosed is a copy of the prior
application as originally filed, including specification, claims, drawings, and oath or
declaration.

- or -

- ☒ Enclosed is a patent application (for continuation, divisional, or continuation-in-part
applications) containing:

☒ 121 pages of the specification (including claims).

☒ 23 sheet(s) of drawings. ☐ Formal ☐ Informal

2. ☒ Amend the specification by inserting before the first line the sentence: --This is a
☐ continuation, ☒ division, ☐ continuation-in-part, of prior application number
09/571,435, filed May 15, 2000, which is a continuation of application
number 09/023,948, filed February 13, 1998, which is a continuation of
application number 08/467,039, filed June 6, 1995, which are hereby incorporated
herein by reference in its entirety.-- The entire disclosure of the prior application,
from which a copy of the oath or declaration is supplied under paragraph 3 below,
is considered as being part of the disclosure of the accompanying application, and
is hereby incorporated by reference therein.

3. ☒ A copy of the executed Oath or Declaration filed in the prior nonprovisional application is enclosed.
4. ☐ Inventorship:
 - ☐ A newly-executed Oath or Declaration and Power of Attorney is enclosed (for continuation-in-part applications, or for continuation or divisional applications naming an inventor not named in the prior application) (§1.63(a), (d)(5) and (e)).
 - ☐ Because this application is being filed by fewer than all of the inventors named in the prior application, delete the following inventor(s) named in the prior nonprovisional application (37 C.F.R. §1.63(d)(1)(2)):

 - ☐ The names of persons believed to be the actual inventors are set forth in the enclosed unexecuted Oath or Declaration and Power of Attorney (§1.41(a) and §1.53(b)).
5. ☐ An Assignment of the invention to _____, and cover sheet are enclosed.
 - ☐ A check in the amount of \$_____ to cover the fee for recording the assignment is enclosed.
6. ☒ The prior application is assigned of record to The Chamberlain Group, Inc..
7. ☐ Small Entity Status (37 C.F.R. §1.28(a)(2)):
 - ☐ Applicant(s) assert entitlement to Small Entity Status.
 - ☐ Status as a small entity is not claimed.
8. ☐ A 37 C.F.R. §3.73(b) statement is enclosed where an assignee seeks to take action.
9. ☒ A preliminary amendment is enclosed.
10. ☒ Drawings:
 - ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May be used only if signed by person authorized by §1.138 and before payment of base issue fee.)
 - ☐ New formal drawings are enclosed.

- ☒ Informal drawings are enclosed.
11. ☒ A separate written request under 37 C.F.R. §1.136(a)(3), which is a general authorization to treat any concurrent or future reply requiring a petition for an extension of time under 37 C.F.R. §1.136(a) for its timely submission as incorporating a petition for an extension of time for the appropriate length of time, is enclosed.
12. ☒ An Information Disclosure Statement is enclosed.
- ☒ A Form PTO/SB/08A is enclosed.
- ☒ 18 References are listed on the Form PTO/SB/08A.
13. ☒ A Computer Program Listing Appendix is enclosed.
- ☒ A Transmittal Cover Letter for Computer Program Listing Appendix is enclosed.
- ☒ Two (2) Compact Discs are enclosed.
14. ☐ A Nucleotide and/or Amino Acid Sequence Submission is enclosed.
- ☐ A Computer Readable Copy is enclosed.
- ☐ A Paper Copy (Identical to Computer Copy) is enclosed.
- ☐ A Statement Verifying Identity of above Copies is enclosed.
15. ☒ A Return Receipt Postcard is enclosed (MPEP §503).
16. ☐ Priority of application number _____ filed on _____ in _____ is claimed under 35 U.S.C. §119.
- ☐ The certified copy of the priority document has been filed in prior application number _____, filed _____.
- ☐ A certified copy of the priority document is enclosed.
17. ☒ Power of Attorney:
- ☒ The power of attorney in the prior application is to:
- ☒ Kenneth H. Samples, Registration No. 25,747
FITCH, EVEN, TABIN & FLANNERY
Suite 1600
120 South LaSalle Street
Chicago, Illinois 60603-3406.
and other members of the firm.
- ☒ Customer Number 22242.

- ☒ The power appears in the original papers in the prior application.
- ☐ Since the power does not appear in the original papers in the prior application, a copy of the power in the prior application is enclosed.

18. ☐ Cancel in this application original claims _____ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

19. ☒ The filing fee is calculated below:

Fee Calculation for Claims as Filed in the Prior Application,
Less Any Claims Cancelled by Amendment

| | | | | | | | |
|-----------------------------------|----------|---|-----------|---|------------------|----|--------------------|
| Basic Utility Fee | | | | | \$740.00 | \$ | 740.00 |
| Independent Claims | <u>2</u> | - | <u>3</u> | = | <u>0</u> | x | \$ 84.00 = \$ 0.00 |
| Total Claims | <u>4</u> | - | <u>20</u> | = | <u>0</u> | x | \$ 18.00 = \$ 0.00 |
| Fee for Multiply Dependent Claims | | | | | \$280.00 | | |
| or | | | | | | | |
| Basic Design Fee | | | | | \$330.00 | | |
| | | | | | Total Filing Fee | \$ | 740.00 |

- ☐ Applicant(s) assert entitlement to Small Entity Status, reducing the Filing Fee by half to:

20. ☐ A check in the amount of \$_____ to cover the filing fee is enclosed.

21. ☒ Charge \$ 740.00 to Deposit Account No. 06-1135.

22. ☐ The payment of the Filing Fee is to be deferred until the Declaration is filed. Do not charge our Deposit Account.

23. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135. A duplicate copy of this request is enclosed.

24. ☐ Also enclosed:

25. ☒ Address all future communications to Customer Number 22242.



February 27, 2002
Date

Kenneth H. Samples
Kenneth H. Samples
Registration No. 25,747
☒ Attorney or agent of record
☐ Filed under §1.34(a)

FITCH, EVEN, TABIN & FLANNERY
Suite 1600
120 South LaSalle Street
Chicago, Illinois 60603-3406
Telephone: (312) 577-7000
Facsimile: (312) 577-7007

2002 FEB 27 10 00 AM

PATENT

Attorney Docket No. 72928

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Fitzgibbon, et al.) CERTIFICATE OF MAILING BY "EXPRESS MAIL"
Appln No.:) "Express Mail" Mailing Label Number
) EL 600581063 US
Filed: Herewith) Date of Deposit 2/27/02
For: Movable Barrier Operator Having) I hereby certify that this paper or fee is being
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Capability) "Express Mail Post Office to Addressee" Service
) under 37 CFR §1.10 on the date indicated above and
Group Art) is addressed to the Commissioner of Patents and
Unit:) Trademarks, Washington, D.C. 20231
) EDWARD PRICE
Examiner:) (Typed or printed name of person mailing)
) Edward Price
) (Signature of person mailing)

Commissioner of Patents and Trademarks
ATTENTION: Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith is an amendment/reply in the above-identified application.

- ☐ Included with this amendment/reply are clean paragraphs/claims and marked-up paragraphs/claims according to 37 C.F.R. §1.121.
- ☐ A paper requesting correction/substitution of drawings is attached.
- ☒ No additional fee is required.

Fee Calculation For Claims As Amended

| | As Amended | Previously Paid For | Present Extra | Rate | Additional Fee |
|--|------------|---------------------|----------------------|------------|----------------|
| Independent Claims | 2 | 3 | ** = 0 | x \$ 84.00 | = \$ 0.00 |
| Total Claims | 4 | 20 | * = 0 | x \$ 18.00 | = \$ 0.00 |
| Fee for Multiply Dependent Claims | | | | \$ 280.00 | |
| ** At least 3 | | | Total Additional Fee | | \$ 0.00 |
| * At least 20 | | | | | |
| <input type="checkbox"/> Applicant(s) assert entitlement to Small Entity Status, thus reducing the fee by half to: | | | | | \$ 0.00 |

☐ A check in the amount of \$_____ is attached.

☐ Charge \$_____ to Deposit Account No. 06-1135.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135. A duplicate copy of this sheet is enclosed.

February 27, 2002
Date

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